

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Trustees of the BRICKLAYERS PENSION
TRUST FUND—METROPOLITAN AREA et al.,

Plaintiffs,

v.

Case No. 08-13109
Hon. Lawrence P. Zatkoff

DICLAUDIO MASONRY CONTRACTORS, INC.
and GEORGE DICLAUDIO,

Defendants.

ORDER

This case arose out of Defendants' arrearage to Plaintiffs, who comprise numerous employee-benefit funds. In April 2008, Defendant George DiClaudio entered into a settlement agreement with Plaintiffs in which he personally guaranteed the payment of the business's outstanding obligations. Shortly thereafter, Defendants defaulted on their obligations under the settlement agreement.

Plaintiffs filed a motion for default judgment [dkt 11] after Defendants failed to respond to the complaint. At an April 2, 2009, motion hearing, Defendant George DiClaudio appeared and admitted his default. Defendant DiClaudio informed the Court that his business has simply not enjoyed consistent work such that he is financially able to make the agreed-upon payments.

Following the hearing, the Court ordered [dkt 14] that Plaintiffs' motion for default judgment be held in abeyance for a period of six months, during which time Defendants were to: (1) submit their financial records for a final accounting; and (2) satisfy their arrearage with Plaintiffs or enter into a mutually-agreeable payment plan. The Court admonished Defendants that a default judgment would enter if Defendants did not fully comply with the order.

Plaintiffs have filed an affidavit [dkt 16] stating that Defendants did not comply with the Court's order. Plaintiffs represent that no additional payments have been received and no payment plan exists. Plaintiffs also state that Defendants did not supply all of the pertinent financial records such that a complete accounting could be performed.

Accordingly, IT IS HEREBY ORDERED that Plaintiffs' motion for default judgment [dkt 11] is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs serve a copy of this order on Defendants in the same manner in which other filings have been served in this matter and file proof thereof with the Court within 3 days of the entry of this order.

IT IS FURTHER ORDERED that Defendants submit all requested financial records to Plaintiffs within 7 days of receipt of this order so that a final accounting can be performed. Failure to comply with this order may result in a contempt finding or other sanction.

IT IS FURTHER ORDERED that Plaintiffs submit a final accounting within 30 days of receiving Defendants' financial records. Judgment will enter thereafter.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: January 15, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on January 15, 2010.

S/Marie E. Verlinde

Case Manager

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